IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15091 of 2005

Between:

B. Swamy S/o Muttaiah
Nalgonda Bus Depot, Nalgonda

..... PETITIONER

AND

The Depot Manager, APSRTC, Nalgonda Bus Depot Nalgonda

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent in imposing the punishment of withholding of the petitioners future increment for a period of one year which shall have effect on the petitioner future increments as bad, arbitrary, unjust and unreasonable and violative of principles of natural justice and also against to the judgments of this Hon'ble Court and also the apex court by setting aside the final order NO. 01/2(6)/2002-NLG dated 26-7-2003 passed by respondent herein and consequently direct the respondent to add the withheld increment.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order, under which, the respondent imposed the punishment of withholding one annual increment with cumulative effect.

According to the petitioner, he was charge sheeted on certain alleged irregularities and was called upon to submit explanation. Accordingly, he submitted his explanation. Thereafter, the respondent, if not satisfied with the explanation submitted by the petitioner, instead of conducting a regular departmental enquiry, passed the impugned order imposing a major punishment of withholding one annual increment with cumulative effect. It is contended by the learned counsel for the petitioner that the said punishment is illegal and unsustainable in the light of the judgments of this Court as well as the Apex Court and hence, sought for setting aside same.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

As major punishment was imposed without conducting a regular departmental enquiry, the impugned order is liable to be set aside. But, as the punishment was imposed in July 2003, this Court is not inclined to set aside the order in its entirety but to modify the same to

that of withholding one annual increment without cumulative effect. It is also made clear that by virtue of this order, the petitioner is entitled for the monetary benefits only from the date of this order.

The writ petition is accordingly disposed of. No costs.

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13.07.2005

VGB

To

1. The Depot Manager, APSRTC, Nalgonda Bus Depot Nalgonda.
2. 2CD copies.